

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CECIL SHANNON,

Plaintiff,

-against-

9:04-CV-408
(LEK/GJD)

DR. LESTER WRIGHT, et al.,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on June 27, 2005 by the Honorable Gustave J. DiBianco, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Cecil Shannon, which were filed on July 5, 2005.

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation is **APPROVED** and **ADOPTED** in its

ENTIRETY; and it is further

ORDERED, that defendants' motion to dismiss (Dkt. No. 21) be **GRANTED** as to defendant **MAMUS**, and the complaint **DISMISSED WITH PREJUDICE AS TO DEFENDANT MAMUS**; and it is further

ORDERED, that defendants' motion to dismiss (Dkt. No. 21) be **GRANTED** as to defendant **WRIGHT**, and the complaint **DISMISSED WITHOUT PREJUDICE AS TO DEFENDANT WRIGHT**; and it is further

ORDERED, that the complaint be **DISMISSED WITHOUT PREJUDICE** as to defendants **KLUWE and LECUYER** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and it is further

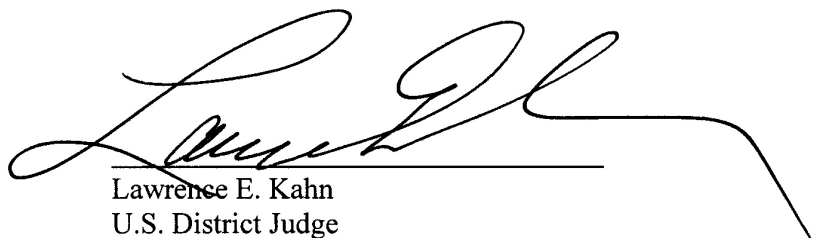
ORDERED, that the complaint be **DISMISSED WITH PREJUDICE** as to defendant **COHEN** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and it is further

ORDERED, that the complaint is **DISMISSED** in its entirety; and it is further

ORDERED, that the Clerk serve a copy of this order on all parties.

IT IS SO ORDERED.

DATED: August 26, 2005
Albany, New York



Lawrence E. Kahn
U.S. District Judge